



2019 LEGISLATIVE SESSION

Increased Funding for Trial Court Public Defense

Justice by Geography

The constitution ensures a defendant’s right to counsel in misdemeanor and felony prosecutions. The state’s financial contribution to the constitutional right for effective legal representation can only be described as wholly inadequate. Despite the Legislature’s continued recognition of the state’s obligation that “effective legal representation must be provided for indigent persons...consistent with the constitutional requirements of fairness, equal protection, and due process,” our state has failed to make progress toward funding this obligation. See RCW 10.101.005.

It is crucial for the Legislature to understand that the absence of state revenue, for such an obvious state mandate delegated to counties, leaves counties with no other option than to cut from other public health and safety services provided to our shared communities. **Please support state funding for trial court public defense.**

“Given the existing low level of state funding and the increased costs identified to date, the State should increase the funding levels to cities and counties for public defense.”
– House Judiciary Workgroup on Misdemeanor Public Defense Costs in Washington State, 2014

31
The number of states that provide over 50% of funding for public defense

4%
Washington State’s contribution of the total amount spent for trial court public defense

\$54M
Increase in counties’ costs for providing trial court public defense services from 2008-2017 (50%)

Counties desperately need the state to back up its stated commitment for the constitutional right to effective legal representation with real money. Counties cannot continue to fund trial court public defense alone. In order to continue effective access to justice, the Legislature must fund the full cost of trial court public defense – **an additional \$310 million in the next biennium.**

Current Funding Structure:

- Washington counties pay over 96% of the cost of trial court public defense (\$156M /year)
- The state pays less than 4% (\$6M /year)
- This is an unbalanced approach to funding our justice system
- Washington State is the one of the lowest contributors nationally to public defense

Growing Requirements of Counties:

- The legislature and the Supreme Court have required counties to adopt new caseload standards for public defenders
- Counties have worked hard to take incremental steps to reach staffing levels consistent with the new standards, but costs have skyrocketed
- Nationally there are 23 states that fully fund public defense and another 8 states that fund more than 50%

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#	State	Percentage of State Funding for ALL Public Defense
1	Alaska	100
2	Arkansas	100
3	Colorado	100
4	Connecticut	100
5	Delaware	100
6	Florida	100
7	Hawaii	100
8	Iowa	100
9	Maine	100
10	Maryland	100
11	Massachusetts	100
12	Minnesota	100
13	Missouri	100
14	Montana	100
15	New Hampshire	100
16	New Jersey	100
17	New Mexico	100
18	North Carolina	100
19	North Dakota	100
20	Oregon	100
21	Rhode Island	100
22	Vermont	100
23	Virginia	100
24	West Virginia	100
25	Wisconsin	100
26	Kentucky	95
27	Tennessee	89
28	Wyoming	85
29	Kansas	74
30	Oklahoma	68
31	Alabama	54
32	South Carolina	50
33	Ohio	40
34	Georgia	37
35	Louisiana	33
36	Mississippi	29
37	Indiana	24
38	Illinois	20
39	New York	20
40	Washington	20
41	Texas	13
42	Idaho	11
43	California	10
44	Michigan	8
45	Nebraska	5
46	Nevada	1
47	Arizona	0
48	Pennsylvania	0
49	South Dakota	0
50	Utah	0

*This chart includes all state funding for public defense and is not limited to trial court indigent defense, which is less than 4%